

1 AN ACT concerning insurance.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Children's Health Insurance Program Act is  
5 amended by changing Section 10 as follows:

6 (215 ILCS 106/10)

7 Sec. 10. Definitions. As used in this Act:

8 "Benchmarking" means health benefits coverage as defined  
9 in Section 2103 of the Social Security Act.

10 "Child" means a person under the age of 19 or a dependent  
11 child enrolled in an education program as provided in Section  
12 43 of the Covering ALL KIDS Health Insurance Act.

13 "Department" means the Department of Healthcare and Family  
14 Services ~~Public Aid.~~

15 "Medical assistance" means health care benefits provided  
16 under Article V of the Illinois Public Aid Code.

17 "Medical visit" means a hospital, dental, physician,  
18 optical, or other health care visit where services are provided  
19 pursuant to this Act.

20 "Program" means the Children's Health Insurance Program,  
21 which includes subsidizing the cost of privately sponsored  
22 health insurance and purchasing or providing health care  
23 benefits for eligible children.

24 "Resident" means a person who meets the residency  
25 requirements as defined in Section 5-3 of the Illinois Public  
26 Aid Code.

27 (Source: P.A. 90-736, eff. 8-12-98; revised 12-15-05.)

28 Section 10. The Covering ALL KIDS Health Insurance Act is  
29 amended by changing Section 10 and by adding Section 43 as  
30 follows:

1 (215 ILCS 170/10)

2 (Section scheduled to be repealed on July 1, 2011)

3 (This Section may contain text from a Public Act with a  
4 delayed effective date)

5 Sec. 10. Definitions. In this Act:

6 "Application agent" means an organization or individual,  
7 such as a licensed health care provider, school, youth service  
8 agency, employer, labor union, local chamber of commerce,  
9 community-based organization, or other organization, approved  
10 by the Department to assist in enrolling children in the  
11 Program.

12 "Child" means a person under the age of 19 or a dependent  
13 child enrolled in an education program as provided in Section  
14 43 of this Act.

15 "Department" means the Department of Healthcare and Family  
16 Services.

17 "Medical assistance" means health care benefits provided  
18 under Article V of the Illinois Public Aid Code.

19 "Program" means the Covering ALL KIDS Health Insurance  
20 Program.

21 "Resident" means an individual (i) who is in the State for  
22 other than a temporary or transitory purpose during the taxable  
23 year or (ii) who is domiciled in this State but is absent from  
24 the State for a temporary or transitory purpose during the  
25 taxable year.

26 (Source: P.A. 94-693, eff. 7-1-06.)

27 (215 ILCS 170/43 new)

28 Sec. 43. Dependent children enrolled in education  
29 programs.

30 (a) The Department may establish a buy-in option for the  
31 Program for dependent children age 19 to 23 if that child (i)  
32 was enrolled in the Program prior to turning 19 years of age,  
33 (ii) is attending high school or a post-secondary education  
34 program full-time, including, but not limited to, a GED  
35 program, community college, vocational/technical school, or 2

1 year or 4 year college, and (iii) is eligible to be claimed as  
2 a dependent for income tax purposes.

3 A child eligible for the Program under this Section must  
4 remain in good standing in the education program during the  
5 entire time that the child is enrolled in the Program.

6 (b) The Department may adopt rules necessary to establish  
7 eligibility, co-pay, and premium requirements for children  
8 enrolled in the Program under this Section. Health benefits  
9 available to the dependent child through the education program  
10 he or she is enrolled in must be taken into consideration when  
11 determining a child's co-pay and premium.

12 (c) The Department may adopt rules to assist a child  
13 eligible for the Program under this Section in paying premiums  
14 for health care coverage through the child's education program  
15 as an alternative to enrollment in the Program.

16 Section 15. The Illinois Public Aid Code is amended by  
17 changing Section 5-2 as follows:

18 (305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

19 Sec. 5-2. Classes of Persons Eligible. Medical assistance  
20 under this Article shall be available to any of the following  
21 classes of persons in respect to whom a plan for coverage has  
22 been submitted to the Governor by the Illinois Department and  
23 approved by him:

24 1. Recipients of basic maintenance grants under  
25 Articles III and IV.

26 2. Persons otherwise eligible for basic maintenance  
27 under Articles III and IV but who fail to qualify  
28 thereunder on the basis of need, and who have insufficient  
29 income and resources to meet the costs of necessary medical  
30 care, including but not limited to the following:

31 (a) All persons otherwise eligible for basic  
32 maintenance under Article III but who fail to qualify  
33 under that Article on the basis of need and who meet  
34 either of the following requirements:

1           (i) their income, as determined by the  
2 Illinois Department in accordance with any federal  
3 requirements, is equal to or less than 70% in  
4 fiscal year 2001, equal to or less than 85% in  
5 fiscal year 2002 and until a date to be determined  
6 by the Department by rule, and equal to or less  
7 than 100% beginning on the date determined by the  
8 Department by rule, of the nonfarm income official  
9 poverty line, as defined by the federal Office of  
10 Management and Budget and revised annually in  
11 accordance with Section 673(2) of the Omnibus  
12 Budget Reconciliation Act of 1981, applicable to  
13 families of the same size; or

14           (ii) their income, after the deduction of  
15 costs incurred for medical care and for other types  
16 of remedial care, is equal to or less than 70% in  
17 fiscal year 2001, equal to or less than 85% in  
18 fiscal year 2002 and until a date to be determined  
19 by the Department by rule, and equal to or less  
20 than 100% beginning on the date determined by the  
21 Department by rule, of the nonfarm income official  
22 poverty line, as defined in item (i) of this  
23 subparagraph (a).

24           (b) All persons who would be determined eligible  
25 for such basic maintenance under Article IV by  
26 disregarding the maximum earned income permitted by  
27 federal law.

28           3. Persons who would otherwise qualify for Aid to the  
29 Medically Indigent under Article VII.

30           4. Persons not eligible under any of the preceding  
31 paragraphs who fall sick, are injured, or die, not having  
32 sufficient money, property or other resources to meet the  
33 costs of necessary medical care or funeral and burial  
34 expenses.

35           5.(a) Women during pregnancy, after the fact of  
36 pregnancy has been determined by medical diagnosis, and

1 during the 60-day period beginning on the last day of the  
2 pregnancy, together with their infants and children born  
3 after September 30, 1983, whose income and resources are  
4 insufficient to meet the costs of necessary medical care to  
5 the maximum extent possible under Title XIX of the Federal  
6 Social Security Act.

7 (b) The Illinois Department and the Governor shall  
8 provide a plan for coverage of the persons eligible under  
9 paragraph 5(a) by April 1, 1990. Such plan shall provide  
10 ambulatory prenatal care to pregnant women during a  
11 presumptive eligibility period and establish an income  
12 eligibility standard that is equal to 133% of the nonfarm  
13 income official poverty line, as defined by the federal  
14 Office of Management and Budget and revised annually in  
15 accordance with Section 673(2) of the Omnibus Budget  
16 Reconciliation Act of 1981, applicable to families of the  
17 same size, provided that costs incurred for medical care  
18 are not taken into account in determining such income  
19 eligibility.

20 (c) The Illinois Department may conduct a  
21 demonstration in at least one county that will provide  
22 medical assistance to pregnant women, together with their  
23 infants and children up to one year of age, where the  
24 income eligibility standard is set up to 185% of the  
25 nonfarm income official poverty line, as defined by the  
26 federal Office of Management and Budget. The Illinois  
27 Department shall seek and obtain necessary authorization  
28 provided under federal law to implement such a  
29 demonstration. Such demonstration may establish resource  
30 standards that are not more restrictive than those  
31 established under Article IV of this Code.

32 6. Persons under the age of 18 who fail to qualify as  
33 dependent under Article IV and who have insufficient income  
34 and resources to meet the costs of necessary medical care  
35 to the maximum extent permitted under Title XIX of the  
36 Federal Social Security Act.

1           7. Persons who are under 21 years of age and would  
2           qualify as disabled as defined under the Federal  
3           Supplemental Security Income Program, provided medical  
4           service for such persons would be eligible for Federal  
5           Financial Participation, and provided the Illinois  
6           Department determines that:

7                   (a) the person requires a level of care provided by  
8                   a hospital, skilled nursing facility, or intermediate  
9                   care facility, as determined by a physician licensed to  
10                  practice medicine in all its branches;

11                  (b) it is appropriate to provide such care outside  
12                  of an institution, as determined by a physician  
13                  licensed to practice medicine in all its branches;

14                  (c) the estimated amount which would be expended  
15                  for care outside the institution is not greater than  
16                  the estimated amount which would be expended in an  
17                  institution.

18           8. Persons who become ineligible for basic maintenance  
19           assistance under Article IV of this Code in programs  
20           administered by the Illinois Department due to employment  
21           earnings and persons in assistance units comprised of  
22           adults and children who become ineligible for basic  
23           maintenance assistance under Article VI of this Code due to  
24           employment earnings. The plan for coverage for this class  
25           of persons shall:

26                   (a) extend the medical assistance coverage for up  
27                   to 12 months following termination of basic  
28                   maintenance assistance; and

29                   (b) offer persons who have initially received 6  
30                   months of the coverage provided in paragraph (a) above,  
31                   the option of receiving an additional 6 months of  
32                   coverage, subject to the following:

33                           (i) such coverage shall be pursuant to  
34                           provisions of the federal Social Security Act;

35                           (ii) such coverage shall include all services  
36                           covered while the person was eligible for basic

1 maintenance assistance;

2 (iii) no premium shall be charged for such  
3 coverage; and

4 (iv) such coverage shall be suspended in the  
5 event of a person's failure without good cause to  
6 file in a timely fashion reports required for this  
7 coverage under the Social Security Act and  
8 coverage shall be reinstated upon the filing of  
9 such reports if the person remains otherwise  
10 eligible.

11 9. Persons with acquired immunodeficiency syndrome  
12 (AIDS) or with AIDS-related conditions with respect to whom  
13 there has been a determination that but for home or  
14 community-based services such individuals would require  
15 the level of care provided in an inpatient hospital,  
16 skilled nursing facility or intermediate care facility the  
17 cost of which is reimbursed under this Article. Assistance  
18 shall be provided to such persons to the maximum extent  
19 permitted under Title XIX of the Federal Social Security  
20 Act.

21 10. Participants in the long-term care insurance  
22 partnership program established under the Partnership for  
23 Long-Term Care Act who meet the qualifications for  
24 protection of resources described in Section 25 of that  
25 Act.

26 11. Persons with disabilities who are employed and  
27 eligible for Medicaid, pursuant to Section  
28 1902(a)(10)(A)(ii)(xv) of the Social Security Act, as  
29 provided by the Illinois Department by rule.

30 12. Subject to federal approval, persons who are  
31 eligible for medical assistance coverage under applicable  
32 provisions of the federal Social Security Act and the  
33 federal Breast and Cervical Cancer Prevention and  
34 Treatment Act of 2000. Those eligible persons are defined  
35 to include, but not be limited to, the following persons:

36 (1) persons who have been screened for breast or

1 cervical cancer under the U.S. Centers for Disease  
2 Control and Prevention Breast and Cervical Cancer  
3 Program established under Title XV of the federal  
4 Public Health Services Act in accordance with the  
5 requirements of Section 1504 of that Act as  
6 administered by the Illinois Department of Public  
7 Health; and

8 (2) persons whose screenings under the above  
9 program were funded in whole or in part by funds  
10 appropriated to the Illinois Department of Public  
11 Health for breast or cervical cancer screening.

12 "Medical assistance" under this paragraph 12 shall be  
13 identical to the benefits provided under the State's  
14 approved plan under Title XIX of the Social Security Act.  
15 The Department must request federal approval of the  
16 coverage under this paragraph 12 within 30 days after the  
17 effective date of this amendatory Act of the 92nd General  
18 Assembly.

19 13. Subject to appropriation and to federal approval,  
20 persons living with HIV/AIDS who are not otherwise eligible  
21 under this Article and who qualify for services covered  
22 under Section 5-5.04 as provided by the Illinois Department  
23 by rule.

24 14. Persons who are dependent children enrolled in an  
25 education program as provided in Section 43 of the Covering  
26 ALL KIDS Health Insurance Act.

27 The Illinois Department and the Governor shall provide a  
28 plan for coverage of the persons eligible under paragraph 7 as  
29 soon as possible after July 1, 1984.

30 The eligibility of any such person for medical assistance  
31 under this Article is not affected by the payment of any grant  
32 under the Senior Citizens and Disabled Persons Property Tax  
33 Relief and Pharmaceutical Assistance Act or any distributions  
34 or items of income described under subparagraph (X) of  
35 paragraph (2) of subsection (a) of Section 203 of the Illinois  
36 Income Tax Act. The Department shall by rule establish the

1 amounts of assets to be disregarded in determining eligibility  
2 for medical assistance, which shall at a minimum equal the  
3 amounts to be disregarded under the Federal Supplemental  
4 Security Income Program. The amount of assets of a single  
5 person to be disregarded shall not be less than \$2,000, and the  
6 amount of assets of a married couple to be disregarded shall  
7 not be less than \$3,000.

8 To the extent permitted under federal law, any person found  
9 guilty of a second violation of Article VIII A shall be  
10 ineligible for medical assistance under this Article, as  
11 provided in Section 8A-8.

12 The eligibility of any person for medical assistance under  
13 this Article shall not be affected by the receipt by the person  
14 of donations or benefits from fundraisers held for the person  
15 in cases of serious illness, as long as neither the person nor  
16 members of the person's family have actual control over the  
17 donations or benefits or the disbursement of the donations or  
18 benefits.

19 (Source: P.A. 93-20, eff. 6-20-03; 94-629, eff. 1-1-06.)

20 Section 99. Effective date. This Act takes effect July 1,  
21 2006.